

232 FARE EVASION

Fare Evasion is any willful act to avoid payment of full fare. Station Agents who request BART Police assistance in an actual fare evasion matter, may do so only if they intend to make a citizen's arrest or to file a police report. Otherwise, the Station Agent shall contact their Line Transportation Supervisor or Line Foreworker for assistance.

Station Agents will sometimes observe customers entering and exiting the BART system without processing tickets, smart cards, or presenting a valid pass.

When the customer is attempting to fare evade, Station Agents must follow these general guidelines:

- Advise the customer of the correct procedure.

If the customer refuses to cooperate, contact BART Police at ext. 7000. The Station Agent should explain the situation, and provide a description of the suspect.

- Complete an Unusual Occurrence Report providing as many details as possible.

232.01 Repeat Offenders

Station Agents will encounter customers who are repeatedly without a valid form of fare payment, underpaid tickets without necessary funds, or do not have proper ID.

When Station Agents observe a repeater, they must contact BART Police at ext. 7000. Explain the situation and give details.

Complete an Unusual Occurrence Report providing as many details as possible.

232.02 Improper Use of Discount Fare Media

When a Station Agent observes that a Discount Fare Media has been used improperly, the Station Agent shall:

- Never imply that the customer is being accused of an illegal act.
- Use good judgment to determine whether the customer has made an honest mistake.

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- Advise the customer on the correct ticket or Fare Media Card use.
- Make a reasonable attempt to confiscate the Fare Media. If the Fare Media is confiscated, the Station Agent must complete an UOR.
- Advise the customer to use or purchase a regular blue ticket from a TVM before entering the system.
- Attempt to collect the fare for the ride taken when the customer is exiting. A Refund/Payment form should be completed.
- Avoid any altercations if the customer refuses to cooperate.
- The customer should be allowed to enter/exit. BART Police and the Line Transportation Supervisor must be notified.

232.03 No Valid Form of Fare Payment in the Paid Area

When inside the paid area, a customer is required to have a valid ticket, smart card, or Trip Pass/Voucher in his/her possession. A BART Police Officer cannot reasonably believe that the customer is committing fare evasion if the customer is not in possession of a ticket, smart card, or Trip Pass/Voucher. Additional facts are

necessary to establish the elements of fare evasion.

- The customer does not necessarily have to be observed using a swing gate or jumping over a barrier to enter the paid area to be considered a fare evader, if the elements of fare evasion are present.

- A customer who does not have a valid form of fare payment (or has lost a ticket), but is attempting to pay fare is not considered to be a fare evader unless additional facts exist that indicate the crime of fare evasion is occurring. Such facts include, but are not limited to; a person who regularly arrives at destinations without a valid form of fare payment. A police officer will need to conduct an investigation to determine if the elements of fare evasion are present.

Station Agents who encounter a person in the paid area without a valid form of fare payment in his/her possession have the option of contacting BART Police to conduct an investigation to determine if the elements of fare evasion are present.

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232.04 Fare Evasion in the Free Area

A person without a valid form of fare payment leaving the paid area using a swing gate or jumping over a barrier must be observed by the Station Agent and/or BART personnel in order to be cited for fare evasion. When an Agent requests BART Police, the employee witnessing the fare evasion will be asked to make a citizen's arrest